

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 2158 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and
MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 & 2 - Yes

3 to 5 - No

SHANTILAL R GALA

Versus

AHMEDABAD MUNICIPAL CORPORATION

Appearance:

MR JC GOHIL for Petitioner

CORAM : MR.JUSTICE B.C.PATEL and
MR.JUSTICE R.P.DHOLAKIA

Date of decision: 02/03/98

ORAL JUDGEMENT (Per: B.C.Patel,J.)

The applicant has approached this Court for taking action under the provisions contained in Contempt of Courts Act against the respondent Corporation and its Officers.

#. The ground made out in the application is that in the year 1984-85, appeal was preferred before the Small Causes Court, Ahmedabad, being M.V.A. No.3453 of 1985 and learned Judge hearing the appeal allowed the appeal partly and fixed the G.R.V. at Rs.48,072/- for the year 1984-85. The contention raised by the applicant is that the bill which is issued by the Corporation which is at page 18 of the application for the period 4/96 to 3/97 is not only in accordance with law but in gross contempt inasmuch as the Corporation has not corrected its record and has not issued bills thereafter as per the order passed by the Court on 20-5-1988 referred to hereinabove. We put a pointed question to the learned advocate for the applicant that after the order, how many bills have been issued by the Corporation and why the bills are not appended with the memo of application and whether objection or objections were raised against the bills subsequently issued or appeal or appeals were preferred against the subsequent bills to which learned advocate stated that time should be granted to answer this question. Suffice it to say, that the order is passed in 1988 for giving effect for the assessment year 1984-85. Same is to be carried out for that year and for subsequent bill, if no proceedings are taken, it cannot be said that present bill which is issued by the Corporation is in gross contempt. We find no merits and hence, application is rejected.

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